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Attorneys for Defendants, BILBRO CONSTRUCTION COMPANY, INC. and  
INTERNATIONAL FIDELITY INSURANCE COMPANY

UNITED STATES DISTRICT COURT

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

**THE PARTIES HEREBY STIPULATE**, by and through their undersigned counsel of record, pursuant to Federal Rules of Civil Procedure (“FRCP”), Rules 12 & 26 as follows:

1. Defendants, Bilbro Construction Company, Inc. and International Fidelity Insurance Company (collectively “Defendants”) hereby withdraw their motion to dismiss presently scheduled to be heard by the court on October 28, 2015, and will contact the court’s calendar clerk to take said motion off-calendar;

**STIPULATION RE: WITHDRAWAL OF MOTION TO DISMISS AND CONTINUE CASE  
MANAGEMENT CONFERENCE; ORDER THEREON**

1           2. Pursuant to FRCP 12(a)(1)(A), on or before October 19, 2015, Defendants shall file  
2 and serve their answer to the complaint filed by plaintiff Penn Air Control, Inc. ("Plaintiff") and  
3 shall file counterclaims against Plaintiff and/or any other person or entity not yet a party to this  
4 action;

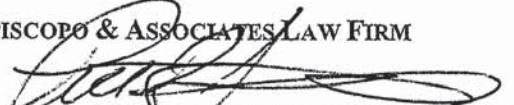
5           3. Pursuant to FRCP 26(d)(1) any party may commence discovery ten (10) days after  
6 Defendants file their answer to Plaintiff's complaint;

7           4. The parties stipulate that the Case Management Conference ("CMC") presently  
8 scheduled for October 21, 2015, be continued: December 9, 2015, at 10:00 a.m. in Courtroom 7;

9           5. The parties stipulate that compliance with all time limits imposed by FRCP 26(a)-  
10 (g) are extended relative to and triggered by the continued CMC date, December 9, 2015.

11           Dated: October 8, 2015.

12           LEPISCOPO & ASSOCIATES LAW FIRM

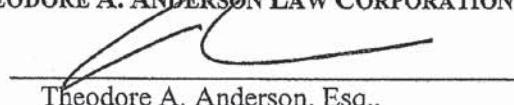
13           By: 

14           Peter D. Lepiscono, Esq.,

15           Attorneys for Defendants, BILBRO  
16 CONSTRUCTION COMPANY, INC. and  
17 INTERNATIONAL FIDELITY  
18 INSURANCE COMPANY

19           Dated: October 8, 2015.

20           THEODORE A. ANDERSON LAW CORPORATION

21           By: 

22           Theodore A. Anderson, Esq.,

23           Attorneys for Plaintiff, PENN AIR  
24 CONTROL, INC.

25           ORDER

26           IT IS HEREBY ORDERED that the terms of the foregoing stipulation are hereby granted.

27           Date: October 8, 2015.

28           NATHANIEL M. COUSINS  
U.S. MAGISTRATE

GRANTED

  
Judge Nathanael M. Cousins

27           STIPULATION RE: WITHDRAWAL OF MOTION TO DISMISS AND CASE MANAGEMENT CONFERENCE; ORDER THEREON

